

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

UNITED STATES OF AMERICA)	
)	
vs.)	CRIMINAL NO. 04-00072-WS
)	
LARRY THOMAS DACUS,)	
)	
Defendant.)	

ORDER

This matter is set for resentencing before the Court on **September 21, 2005** at **2:00 p.m.** in Courtroom 2-A. The defendant's motion for limited release, (Doc. 114, ¶ 1), is **denied**. The defendant is **ordered** to file a written waiver of physical presence, as he intends to do, (*id.*, ¶ 3), prior to resentencing. Counsel for the defendant is **ordered** to make all necessary arrangements for a federal defender to be present with the defendant during resentencing, (*id.*, ¶ 5), and to supply the courtroom deputy with all information necessary to place the telephone call to the facility at FPC Forrest City. (*Id.*, ¶ 3).

The parties are reminded that resentencing allows the presentation of evidence only with respect to matters made newly relevant by *United States v. Booker*, 125 S. Ct. 738 (2005). (Doc. 112 at 2 n.6). This restriction would appear to preclude evidence concerning the defendant's post-offense rehabilitation efforts as well as evidence concerning the financial impact of incarceration on his family. See U.S.S.G. 5H1.6 and Application Note 1.B.

DONE and ORDERED this 12th day of September, 2005.

s/ WILLIAM H. STEELE
UNITED STATES DISTRICT JUDGE